

REMARKS

Claims 1, 2 and 4-15 are pending. Claim 1 is amended to now include a power supply to which the heating conductor is connected.

Claims 14 and 15 stand rejected as not being supported by the drawings. Applicant respectfully traverses this. Reference is made to Fig. 5 and the description on page 8 of the Specification. There is a first winding 15 and at least one other winding designated as "L". Therefore, claims 14 and 15 are properly supported by the drawings.

Claims 1-2 and 4-15 stand rejected over Birtchet, U.S. 5,417,516 in view of DeWitt, U.S. 2,487,839. Birtchet is relied on to show the overall paver structure. The Examiner recognizes that Birtchet does not disclose a planar heating element comprising a planar carrier, a heating conductor wound in a spiral around the planar carrier, and in which the peripheral contour of the carrier and/or the winding density or the course of the windings varies along the length of the carrier to produce a predetermined non-uniform heating picture in the heating area of the working component.

For the missing features the Examiner relies on DeWitt. The DeWitt patent does not at all relate to a planar heating element. It is directed to a non-linear resistance element that can be used in the adjustment of a potentiometer or rheostat. In such devices the resistance wire does not have any heating purpose, but is used to vary a voltage level signal depending on the position of a wiper (not shown in DeWitt) that moves over the winding. Reference is made to column 3, lines 35-54 which describes the use of the DeWitt resistance element in a potentiometer, e.g., a radio volume control, that has a rotating shaft that carries a wiper.

While the winding density of DeWitt's resistance element varies, it does not vary for the purpose of generating a desired heating picture. It varies to predetermine the curve of the output signal of the potentiometer in relation to the wiper movement. The DeWitt patent belongs to a field in the prior art that has nothing to do with the field of planar heating elements for the paving screed of a paver.

Reference is also made to claim 4 which depends from claim 1 and further recites that the heating element comprises at least one further heating conductor. The use

of at least two heating conductors provides a way to "fine tune" the heating picture of the paver element. The Examiner refers to elements 36 of Birtchet as being first and second heating elements. While this may be correct in the broad sense, they are flat strips and not spiral windings, as set forth in the claims. Further, DeWitt's resistance element does not have two windings. This would be unnecessary in DeWitt's potentiometer.

Claim 15, which also depends from claim 1, recites that the heating conductor comprises two spaced wires. This feature allows the heat to be more evenly distributed. Such a feature is not shown, or even needed, in DeWitt.

Claim 14 is, in some measure, a sub-combination of claim 1 in that it is directed to the planar heating element. It also recites the first and at least one second heating element. Again, this is not shown or suggested in DeWitt.

The combination of DeWitt with Birtchet has no logical basis. Also, even if the combination is improperly made, it does not meet the terms of the claims since, as explained above, DeWitt's resistance element is not for the purposes of heating. Therefore, claim 1 and its dependent claims 2 and 4-13 and 15, and independent claim 14, are patentable and should be allowed.

The other art cited has been considered and is not deemed pertinent.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Prompt and favorable action is requested.

Dated: February 8, 2005

Respectfully submitted,

By 
S. Peter Ludwig

Registration No.: 25,351
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant